

ENTERED

March 30, 2025

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:)	
)	CHAPTER 11
)	
PARTY CITY HOLDCO INC., <i>et al.</i> , ¹)	CASE NO. 24-90621 (ARP)
)	
Debtors.)	(Jointly Administered)
_____)	
)	
NEW AMSCAN PC, LLC)	
)	
Plaintiff)	
)	
vs.)	Adv. Pro. No. 25-03103(ARP)
)	
PARTY CITY HOLDCO INC., and PC)	
INTERMEDIATE HOLDINGS, INC., and)	
PARTY CITY HOLDINGS, INC., and)	
PARTY CITY CORPORATION, and)	
AMSCAN INC., and AM-SOURCE, INC.)	
and TRISAR, INC.)	
)	
Defendants.)	

**STIPULATION AND AGREED ORDER RESOLVING PLAINTIFF'S
EMERGENCY MOTION FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION**

This Stipulation and Agreed Order Resolving Plaintiff's Emergency Motion for Temporary Restraining Order and Preliminary Injunction (the "Stipulation") is made and entered into by and among New Amscan PC, LLC ("Plaintiff" and "New Amscan"), by and through its undersigned counsel, and Party City Holdco Inc., Amscan Inc., Am-Source, LLC, Party City Corporation, Party City Holdings Inc., PC Intermediate Holdings, Inc. and Trisar, Inc., as debtors and debtors-in-

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Party City Holdco Inc. (9758); Amscan Inc. (1359); Am-Source, LLC (8427); Party City Corporation (3692); Party City Holdings Inc. (3029); PC Intermediate Holdings, Inc. (1229); and Trisar, Inc. (0659). The location of the Debtors' service address for purposes of these chapter 11 cases is: 100 Tice Boulevard, Woodcliff Lake, New Jersey 07677.

possession in the above-captioned bankruptcy cases (collectively, the “Debtors” or - “Defendants” and, together with the Plaintiff, the “Parties”), by and through their undersigned counsel. The Parties hereby stipulate and agree as follows:

RECITALS

WHEREAS, On March 25, 2025, New Amscan filed the *Complaint* [Adv. Docket No. 1] (the “Complaint”) commencing the above-captioned adversary proceeding (the “Adversary Proceeding”) seeking a judgment and other relief from the Court: (i) finding the Defendants in breach of the APA; (ii) awarding the Plaintiff damages and specific performance; and (iii) enjoining the Defendants from using the Customer Information and Personal Information. Contemporaneously with the Complaint, the Plaintiff filed the *Plaintiff’s Emergency Motion for Temporary Restraining Order and Preliminary Injunction* [Adv. Docket No. 2] (the “Motion”)²; the Declaration of Dennis Kaczmarek [Adv. Docket No. 3] (the “Kaczmarek Declaration”) and the Declaration of Anna J. Gunning [Adv. Docket No. 4] (the “Gunning Declaration”); and

WHEREAS, the Court has scheduled a hearing to consider the Motion and the relief requested there on March 31, 2025 (the “Hearing”); and

WHEREAS, the Defendants represented to the Plaintiff that, while the Defendants dispute the claims in the Adversary Proceeding, the Defendants have ceased using the Customer Information and Personal Information and will not use the Customer Information and Personal Information in the future; and

WHEREAS, the Parties have agreed to the entry of this Stipulation to avoid the necessity for the Hearing and to resolve the Motion without admitting any wrongdoing and reserving the Parties’ respective rights, claims and defenses in the Adversary Proceeding.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

NOW, THEREFORE, upon the foregoing recitals which are fully incorporated herein, in consideration of the mutual promises and covenants contained herein, the Parties hereby stipulate and agree as follows:

1. From and after the date hereof, the Defendants shall not utilize the Customer Information or Personal Information (each as defined in the APA) for any purpose.


2. Except as set forth in Paragraph 1 of this Stipulation, nothing contained in this Stipulation shall constitute, nor is it intended to constitute, (a) a waiver of any claims or defenses by the Parties; (b) an election of remedies; (c) a waiver or limitation of any rights of the Parties, including, without limitation, a waiver of rights, claims, actions, defenses, the Parties may be entitled under agreements or in law or in equity, all of which rights, claims, actions and defenses are expressly reserved.

3. Notwithstanding any provision to the contrary of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedures, or the Bankruptcy Local Rules, this Stipulation shall be immediately effective and enforceable upon approval by the Court.

4. The Parties agree that the Court shall retain jurisdiction to resolve any dispute arising from or related to this Stipulation.

IT IS SO ORDERED.

Signed: March 28, 2025


Alfredo R Pérez
United States Bankruptcy Judge

AGREED AND ACCEPTED:

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AND TRISAR, INC.**